

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: FEB 28 2020

United States of America,

—v—

Ali Sadr Hashemi Nejad,

Defendant.

18-cr-224 (AJN)

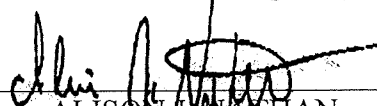
ORDER

ALISON J. NATHAN, District Judge:

Attached to this Order is the *voir dire* the Court intends to use in the above-captioned matter. If the parties have any objections to or requests regarding the *voir dire*, they shall file such objections or requests by February 29, 2020, at 12 p.m.

SO ORDERED.

Dated: February 28, 2020  
New York, New York

2/28/20  
  
ALISON J. NATHAN  
United States District Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	X	
UNITED STATES OF AMERICA,	:	
	:	
-v-	:	
	:	18cr224 (AJN)
ALI SADR HASHEMI NEJAD,	:	
	:	<u>VOIR DIRE</u>
Defendant.	:	
-----	X	

ALISON J. NATHAN, United States District Judge:

**PLEASE DO NOT READ FURTHER OR WRITE ANYTHING ON**  
**THIS QUESTIONNAIRE UNTIL THE JUDGE TELLS YOU TO DO SO**

U.S. v. Sadr  
18cr224 (AJN)  
Voir Dire

When directed to do so, please indicate if your answer to any of the following questions is “yes” by circling the number of that question. If your answer to a question is “no,” you should not do anything. Do *not* write your name or make *any other* marks on the questionnaire; the only marks you should make are circles around the questions for which the answer is “yes.” If, when asked about a “yes” answer, you prefer not to elaborate in open court, please say so.

**A. Summary of the Case**

Before we proceed, let me give you a brief summary of the case so that you have some sense of what it is about as we go through jury selection. As I told you a moment ago, however, nothing I say is evidence. Moreover, the Indictment is not evidence. It simply contains the charges that the Government is required to prove to the satisfaction of the jury beyond a reasonable doubt. And the defendant is presumed innocent. I will summarize the charges in this case in order to determine whether there is anything about the nature of this case that may make it difficult or inappropriate for any of you to serve on the jury. With those important principles in mind, here is the summary:

This case concerns a construction project in Venezuela called Nueva Ciudad Fabricio Ojeda. The Government alleges in the indictment that the Venezuelan government hired a private Iranian company called the Iranian International Housing Corporation or “IIHC”, which was part of a conglomerate known as the Stratus Group, to complete the project. Stratus Group was run by Mr. Sadr’s father. The Government alleges that the project lasted from approximately 2006 until approximately 2014, and that the Venezuelan government paid approximately \$115 million between 2011 and 2013 for the construction project to companies that were designated by IIHC to receive the payments. The government alleges that these payments violated the United States’ sanctions against Iran because they were processed by U.S. banks who exported financial services indirectly to IIHC in Iran. Based on this allegation, the government has charged Mr. Sadr with six counts

U.S. v. Sadr  
18cr224 (AJN)  
Voir Dire

involving conspiracy to defraud the United States Office of Foreign Assets Control, conspiracy to violate several Iran sanctions regulations, bank fraud, conspiracy to commit bank fraud, money laundering, and conspiracy to commit money laundering.

Mr. Sadr asserts that he is not guilty, and he denies the Government's charges.

**B. Fundamental Principles**

Now, let me start by describing a few fundamental rules of law that must guide all of us during this trial. I will ask you whether you have any hesitation or unwillingness to accept the rules of law that I am about to describe.

As I have just told you, the charges in this case are contained in an indictment. The indictment itself is not evidence that a defendant is guilty or not guilty. It merely contains formal accusations. It does not affect in any way the presumption of innocence that the law gives every accused person at a trial.

Defendants are presumed to be innocent of the charges contained in the indictment, and this presumption of innocence remains in a defendant's favor at all times throughout the trial unless and until the Government proves every element of the charges against that defendant beyond a reasonable doubt. If, after carefully considering all the evidence presented, and following the rules of law that I will explain to you, you have a reasonable doubt about the defendant's guilt, you must acquit the defendant—that is, find the defendant not guilty. If, however, after careful consideration of all the evidence presented, and following the rules of law that I shall explain to you, you have no reasonable doubt as to the defendant's guilt, then you must convict the defendant—that is, find the defendant guilty.

It is also an important principle of law that criminal defendants have the right not to testify. If the defendant does not testify, you may not draw any inference against the defendant based on that decision and that fact may not enter into your deliberations.

U.S. v. Sadr  
18cr224 (AJN)  
Voir Dire

The function of the jury is to decide all questions of fact. You who are chosen as jurors will be the only judges of the facts and nothing the Court or the lawyers say or do may in any way intrude on your role as exclusive fact-finders, based on the evidence presented. Jurors are required to make their decisions solely on the basis of the evidence presented at trial or the lack of evidence, and not on the basis of conjecture, suspicion, sympathy or prejudice for or against any party.

When it comes to the law, as distinguished from the facts, however, you must take your instructions from the Court—that is, from me—and you are bound by those instructions. You may not substitute your own ideas of what the law is or what you think it should be. At the conclusion of the case, your job will be to determine whether the Government has proven the defendant guilty of the charges in the indictment beyond a reasonable doubt, according to my instructions.

The question of any punishment is for the Court alone and the jury may not consider possible punishment when it is deciding whether the Government has carried its burden of proving a defendant guilty beyond a reasonable doubt.

1. Would you have any difficulty following my instructions with respect to the fundamental principles I have just outlined?
2. Do you have any personal knowledge of the charges in the indictment as I have described it?
3. Have you read or heard anything about this case through the media, the internet, or through any other source?
4. Have you followed news coverage of any other trials involving Iran sanctions?
5. Is there any reason you could not view fairly and impartially a case involving the charges as I have described it?

U.S. v. Sadr  
18cr224 (AJN)  
Voir Dire

**C. General Ability to Serve**

6. As I noted, this trial is expected to last approximately three to four weeks. Do you have any unmovable commitments that would interfere with your serving as a juror at a trial that is expected to last approximately three to four weeks?

7. Do you have a problem with your hearing or vision that would prevent you from giving full attention to all of the evidence at this trial?

8. Do you have any difficulty understanding or reading English?

9. Do you have any medical problems that might interfere with your service as a juror in this case?

10. Do you have any ideas or prejudices—including any prejudices against Iranians, other people of Middle Eastern descent, or immigrants—that would make it difficult for you to follow my instructions as to the law?

11. Do you have any religious or ethical beliefs that would prevent you from rendering a verdict?

**D. Knowledge of Parties, Lawyers, Witnesses, Places, and Entities**

12. The Government is represented here, as in all cases where it is a party before this Court, by the United States Attorney for the Southern District of New York—who is Geoffrey Berman. Do you or does any relative or close friend know Geoffrey Berman or anyone associated with his office?

13. The Government is also represented by a prosecutor from the Manhattan District Attorney's Office. Do you or does any relative or close friend know anyone associated with the Manhattan District Attorney's Office?

14. Do you or does any relative or close friend know any of the following prosecutors or other individuals who will be representing the government at this trial?

a. Assistant U.S. Attorney Jane Kim

b. Assistant U.S. Attorney Michael Krouse

U.S. v. Sadr  
18cr224 (AJN)  
Voir Dire

- c. Assistant U.S. Attorney Stephanie Lake
- d. Assistant District Attorney Garrett Lynch
- e. Paralegal Shawn Milione

15. Do you or does any relative or close friend know any of the following law enforcement officers who may be working with the government at this trial?

- a. FBI Special Agent Leigh Ann Pond
- b. FBI Special Agent Michael Urbanowicz

16. Do you or does any relative or close friend know the Defendant Ali Sadr?

17. Do you or does any relative or close friend know any of the defense attorneys who are representing the defendant or know their law firm Steptoe & Johnson LLP?

- a. Attorney Bruce Bishop
- b. Attorney David Fragale
- c. Attorney Brian Heberlig
- d. Attorney Nicholas Silverman
- e. Attorney Reid Weingarten

18. Do you know or have you heard of any of the following people who may testify or whose names may be mentioned during the course of the trial?

- a. Mildred Benavides
- b. Matthew Blair
- c. Richard Bleich (pronounced blyge)
- d. Robert Clifton Burns
- e. Mustafa Cetinel (pronounced chetinull)
- f. Ekrem Cinar

U.S. v. Sadr  
18cr224 (AJN)  
Voir Dire

- g. Alessandra Conte
- h. Mark Dubowitz
- i. Christopher Earley
- j. Crina Ebanks
- k. Linet Estiroti
- l. Ahmad Farshchian
- m. Luis Fuenmayor
- n. Alexander Frei
- o. Hamidreza Ghanbari
- p. Mehdi Hadavand
- q. Christian Kalin
- r. Bahram Karimi
- s. Richard Kauffman
- t. Farshid Kazerani
- u. Ted Kim
- v. Robert Klingensmith
- w. Luca Marchetti
- x. Reza Moayed
- y. Talya Nevins
- z. Matthew Nelson
- aa. Peyman Ojian
- bb. Jose Luis Parada Sanchez
- cc. Trita Parsi



U.S. v. Sadr  
18cr224 (AJN)  
Voir Dire

dd. Robert Peri

ee. Amir Ashraf Pourdeljou

ff. Luis Rivera

gg. Sandra Santiago Rodriguez

hh. Ali Sadr Hashemi Nejad

ii. Mohammad Sadr Hashemi Nejad

jj. Negarin Sadr Hashemi Nejad

kk. Pegah Sadr Hashemi Nejad

ll. Ahmad Safavardi

mm. Gabriela Sanchez

nn. Urs Schneider

oo. Faramarz Shadloo

pp. Ebrahim Shariat

qq. Hojatollah Soltani (Ambassador)

rr. Hossein Soltani

ss. Abbas Taheri Gharagozlou

tt. Hossein Tehrani

uu. Oliver Volz

vv. Nazgol Zand

ww. Behrooz Zangeneh

U.S. v. Sadr  
18cr224 (AJN)  
Voir Dire

19. Are you familiar with anyone else present in the courtroom, including your fellow jurors, all Court personnel, or myself?

20. The following is a list of entities that may be mentioned during the course of the trial:

- a. Alper Insaat
- b. Citibank
- c. Clarity Trade & Finance
- d. Desarrollos Urbanos de la Costa Oriental del Lago, S.A. or DUCOLSA
- e. Emirates National Bank of Dubai or Emirates NBD
- f. Export Development Bank of Iran
- g. Hyposwiss Bank
- h. Iranian International Housing Co. C.A. or IIHCO or IIHC
- i. JPMorgan Chase Bank
- j. Nueva Ciudad Fabricio Ojeda or Nueva Ojeda Housing Development Project
- k. Oriental Oil Kish or Kish Oriental Oil
- l. Petróleos de Venezuela, S.A. or PDVSA
- m. Samaneh Stratus Co.
- n. Stratus Holding Group
- o. Stratus International Contracting Company
- p. Stratus International Contracting Insaat Ve Taahhut or Straturk Insaat ve Taahhut
- q. Stratus-Global Investments

21. Do you have any familiarity with any of those entities that would interfere with your ability to be fair and impartial in this case and to decide the case based on the evidence presented in court?

U.S. v. Sadr  
18cr224 (AJN)  
Voir Dire

**E. Relationship with, and View of Government, Defense and Others**

22. Have you or any family member or close friend ever studied or practiced law or worked in any capacity for a law office?

23. Have you or any family member or close friend worked for or with any federal, state, or local law enforcement agency, including but not limited to a police department, the FBI, a prison, a district attorney's office, or another prosecutor's office?

24. Have you or any family member or close friend ever done work for a criminal defense lawyer or private investigator?

25. Have you or any family member or close friend done work for a federal agency related to U.S. international trade restrictions (including but not limited to the Office of Foreign Assets Control)?

26. Have you or has any relative or close friend worked in a compliance department of any bank, other large business, or government entity?

27. Do you have any significant opinions regarding Iran, people from Iran, or the Middle East?

28. Have you ever been involved, or do you expect to become involved, in any legal action or dispute with the United States or any agency, officer, or employee of the United States that would interfere with your ability to be fair and impartial?

**F. Experience with, and Opinions of, Lawsuits and Legal Proceedings**

29. Have you or any family member or close friend ever brought a lawsuit against anyone or been sued?

30. Have you or any family member or close friend ever appeared as a witness either at a trial or in a grand jury investigation?

31. Have you or any family member or close friend ever been questioned in any matter by a federal, state, or local law enforcement agency?

U.S. v. Sadr  
18cr224 (AJN)  
Voir Dire

32. Have you or any family member or close friend ever been a witness or a victim in any federal or state prosecution?

33. Have you or any family member or close friend ever been a victim of crime?

34. Have you or any family member or close friend ever been a defendant in a criminal case?

35. The witnesses in this case may include law enforcement witnesses. Would you have any difficulty assessing the credibility of a law enforcement officer just like you would any other witness?

36. If the defendant testifies in this case, would you have any difficulty assessing the credibility of the defendant just like you would for any other witness?

37. Do you have any opinions about prosecutors or criminal defense attorneys that might affect your ability to be a fair and impartial juror?

38. Some of the evidence admitted at trial may come from lawful searches performed by law enforcement officers, including searches of electronic devices and email accounts. Do you have any strong feelings about any such lawful searches conducted by law enforcement officers or the use of evidence obtained from searches that would interfere with your ability to be fair and impartial in this case?

**G. Experience In, and Opinions Of, Subject Areas Involved In This Case**

39. Have you, or anyone close to you, worked in the construction industry?

40. Have you, or anyone close to you, been involved in an international business?

41. Have you, or anyone close to you, been involved in a business or contractual dispute?

42. Have you, or anyone close to you, worked in a bank? If so, how long ago and in what position?

**H. Final Question**

43. In these questions, I have tried to direct your attention to possible reasons why you might not be able to sit as a fair and impartial juror. Apart from any prior question, do you have the slightest doubt in your mind, for any reason whatsoever, that you would be able to serve conscientiously, fairly, and impartially in this

U.S. v. Sadr  
18cr224 (AJN)  
Voir Dire

case, and render a true and just verdict without fear, favor, sympathy or prejudice, and according to the law as I will explain it to you?

U.S. v. Sadr  
18cr224 (AJN)  
Voir Dire

### QUESTIONS FOR INDIVIDUAL JURORS

1. Please state your name and county of residence. Please list each county of residence during the past five years.
2. How old are you?
3. How far did you go in school?
4. Who is your employer? (If retired or unemployed, describe your last employment.)
5. What do you do?
6. How long have you been employed in your current position? If fewer than five years, where else did you work in the last five years?
7. Who are the members of your household and for whom do they work?
8. Do you have grown children? For whom do they work?
9. Have you ever served as a juror? If so, when did you serve and were you on a grand jury or a regular jury? If a regular jury, was it a civil or criminal case? Without indicating what the verdict was, did you reach a verdict? (**Do not tell us what the verdict was.**)
10. From what website(s), newspaper(s), television or radio program(s), or other sources(s) do you get most of your news?